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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. 08-00142 SBA
)	
Plaintiff,)	UNITED STATES' SENTENCING
)	MEMORANDUM
v.)	
)	
JOSE ANTONIO DEL TORO-SANCHEZ,)	Hearing Date: May 6, 2008
)	Time: 10:00 a.m.
Defendant.)	
)	

I. INTRODUCTION/BACKGROUND

On April 10, 2008, the parties in this case submitted a proposed plea agreement to the Court for its consideration. In the plea agreement, the parties agreed that Defendant's Adjusted Offense level is 6, and that the U.S. Probation Office would prepare a report as to his criminal history. See Plea Agreement at ¶ 7. The parties agreed to a sentence of imprisonment at the low end of the applicable Guidelines range. See Plea Agreement at ¶ 8(a).

As detailed below, the United States agrees with the conclusion of the U.S. Probation Office that the criminal history category is IV, and requests that the Court sentence Mr. Del Toro-Sanchez to 6 months in prison.

UNITED STATES' SENTENCING MEMORANDUM

1 **II. GUIDELINES CALCULATIONS**

2 On April 28, 2008, the U.S. Probation Office submitted a Modified Presentence
3 Investigation Report – Criminal History Only, which contained a criminal history computation
4 establishing a Criminal History Category of IV. The United States agrees with the Probation
5 Department’s determination that Defendant has a Criminal History Category of IV.

6 A Total Offense Level of 6 and a Criminal History Category of IV results in a Sentencing
7 Guidelines Range of 6 to 12 months of imprisonment. The United States recommends a sentence
8 at the low end of Defendant’s Sentencing Guidelines range.

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10 **III. THE UNITED STATES’ SENTENCING RECOMMENDATION**

11 In agreement with the criminal history category calculated by the U.S. Probation Office,
12 and in accordance with the agreement between the parties, the United States respectfully requests
13 that the Court sentence Defendant to a term of six (6) months imprisonment; three (3) years of
14 supervised release with a condition that he not illegally reenter the United States; no fine; and the
15 \$100 mandatory special assessment.

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17 DATED: May 2, 2008

Respectfully submitted,

18 JOSEPH P. RUSSONIELLO
19 United States Attorney

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21 /s/
CHINHAYI J. COLEMAN
22 Assistant United States Attorney
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